

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

JOHNNY L. STEFFES,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. CIV-04-1171-D
	)	
MICHAEL J. ASTRUE, Commissioner	)	
of the Social Security Administration,	)	
	)	
Defendant.	)	

**ORDER AWARDING ATTORNEY FEES**

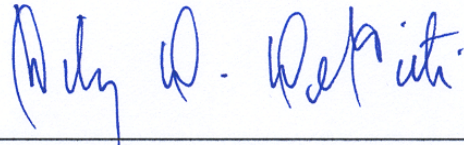
Upon consideration of Plaintiff's Attorney's Motion for an Award of Attorney Fees Under 42 U.S.C. § 406(b) [Doc. No. 32], in light of *Wrenn ex rel. Wrenn v. Astrue*, 525 F.3d 931 (10th Cir. 2008), the Court finds that Plaintiff's attorneys may recover a reasonable fee for the representation of Plaintiff in this case up to the statutory limit of 25% of past-due benefits, provided the attorneys refund to Plaintiff the amount of \$5,579.40, which was previously awarded under the Equal Access to Justice Act (EAJA). *See* Order 6/27/05 [Doc. No. 28]. The Court has examined the contingent-fee agreement between Plaintiff and his attorneys, and the attorneys' time records previously submitted with the motion for EAJA fees [Doc. No. 26-2]. These records show 38.6 hours of legal work performed in this case (3.9 paralegal hours and 34.7 attorney hours), of which the attorneys previously waived 6.1 hours in the exercise of billing judgment. *See* Appl. Award EAJA Attorney's Fees [Doc. No. 26] at 1 n.1. The action resulted in a favorable judicial decision, that is, a remand for further administrative action. After remand, Plaintiff was determined to be entitled to benefits and was awarded a past-due amount of \$32,892.00.

Upon consideration of the facts and circumstances presented, the Court finds that the requested amount of \$8,223.00 represents a reasonable fee for the work done in this case in view of the nature of the representation and the results achieved, and this amount does not exceed 25% of Plaintiff's award past-due benefits obtained by reason of the Judgment entered May 9, 2005. The

Court further finds that the Motion was filed within a reasonable time after the decision awarding benefits, but a ruling was deferred by the Court pending the disposition of *Wrenn*. See Order 1/22/07 [Doc. No. 31]. The Court therefore finds that the Motion of Plaintiff's attorneys should be granted.

IT IS THEREFORE ORDERED that the Motion for an Award of Attorney Fees Under 42 U.S.C. § 406(b) [Doc. No. 32] is GRANTED. The Court approves an award of attorney fees under 42 U.S.C. § 406(b) in the amount of \$8,223.00 to Plaintiff's attorneys, Steve A. Troutman and Gayle L. Troutman of the firm Troutman & Troutman, P.C. The attorneys shall refund to Plaintiff the amount of EAJA fees previously awarded, or \$5,579.40.

IT IS SO ORDERED this 27<sup>th</sup> day of June, 2008.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE